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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/607,439	06/29/2000	Ernie F. Brickell	81674-265754	7765

909 7590 02/08/2005

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MCLEAN, VA 22102

EXAMINER

FIELDS, COURTNEY D

ART UNIT	PAPER NUMBER
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2137

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/607,439

Applicant(s)

BRICKELL, ERNIE F.

Examiner

Courtney Fields

Art Unit

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,5-7,13,15,16,19-21,27,29 and 30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1,5-7,13,15,16,19-21,27,29 and 30 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1, 5-6, 15, 16, and 19-20, drawn to a method for storing a passphrase on a remote server, classified in class 713, subclass 202.
- II. Claims 7, 13, 21, 27, and 29-30, drawn to a system for generating a passphrase on a client, classified in class 713, subclass 202.

Inventions I and II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the combination does not require the steps of displaying the retrieval question if the field for requesting the retrieval question is marked and displaying the plurality of questions if the field for entering the retrieval answer is filled with the retrieval answer. The subcombination has separate utility such as because it could be used in a system where a hashed answer derived from the passphrase is stored on the client itself as opposed to on a server as in the combination.

Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper. For example, examination of the invention of Group I would require searching 713/201 – Network Security and 709/229 - Network resources

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1 access controlling. A search of these subclasses is not required for examination of the
2 invention of Group II.

3 Applicant is advised that the reply to this requirement to be complete must
4 include an election of the invention to be examined even though the requirement be
5 traversed (37 CFR 1.143).

6
7 **Conclusion**

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9 Any inquiry concerning this communication or earlier communications from the
10 examiner should be directed to Courtney Fields, whose telephone number is (571) 272-
11 3871. The examiner can normally be reached on M-F from 9:00 a.m. to 5:30 p.m. EST.

12
13 If attempts to reach the examiner by phone fail, the examiner's supervisor,
14 Andrew Caldwell, can be reached at 571-272-3868. Additionally, the fax numbers for
15 Group 2100 are as follows:

16
17 Fax Responses: (703) 872-9306

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19 Any general inquiry relating to the status of this application can be answered
20 using Patent Application Information Retrieval (PAIR) system, which is available at the
21 USPTO web site. Any questions on using the PAIR system should be directed to the
22 Patent Electronic Business Center toll free at (866) 217-9197.

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28 **ANDREW CALDWELL**
29 **SUPERVISORY PATENT EXAMINER**

30 Courtney Fields
31 571-272-3871
32 January 25, 2005